

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION	)	
OF SUEZ WATER DELAWARE INC. FOR	)	
A GENERAL INCREASE IN RATES AND	)	PSC DOCKET NO. 19-0615
A REVISION TO ITS GENERAL TARIFF	)	
(FILED SEPTEMBER 27, 2019)	)	

**JOINT MOTION OF SUEZ WATER DELAWARE, INC., THE STAFF OF THE  
DELAWARE PUBLIC SERVICE COMMISSION, AND THE DELAWARE DIVISION  
OF THE PUBLIC ADVOCATE TO REVOKE DELEGATION TO HEARING  
EXAMINER, APPROVE FORM OF PUBLIC NOTICE, AND APPROVE  
PRESENTATION OF SETTLEMENT AGREEMENT DIRECTLY TO THE  
DELAWARE PUBLIC SERVICE COMMISSION**

SUEZ Water Delaware, Inc. (“SUEZ”), the Staff of the Delaware Public Service Commission (“Staff”), and the Delaware Division of the Public Advocate (“DPA”) (together, the “Parties”) hereby move the Delaware Public Service Commission (“Commission”) for an order revoking its delegation of this docket to a Hearing Examiner, approving a form of Public Notice of an evidentiary hearing to be held on June 3, 2020, and approving presentation of a Settlement Agreement directly to the Commission at its June 3, 2020 meeting, and in support state:

1. On September 27, 2019, SUEZ filed an application with the Commission seeking an increase of \$7,440,988 in water rates.
2. On October 22, 2019, the Commission entered Order No. 9491, in which it suspended SUEZ’s proposed rates and tariff sheets pending the completion of hearings on the justness and reasonableness of the proposed rates and tariff changes and a final Commission decision thereon. The Commission also delegated responsibility for conducting public comment sessions and evidentiary hearings in this docket to Hearing Examiner Glenn E. Kenton, and tasked him with the responsibility of preparing proposed findings and recommendations for the Commission’s consideration.

3. On November 14, 2019, the Commission entered Order No. 9500, which approved SUEZ's implementation of \$2,500,000 in interim rates, which rates were made effective November 26, 2019. When the interim rates were placed into effect, the Company also reset the Distribution System Improvement Charge ("DSIC") to zero.

4. Hearing Examiner Kenton approved a procedural schedule pursuant to which evidentiary hearings were to be held during the week of July 13, 2020.

5. On February 12, 2020, Hearing Examiner Kenton conducted a public comment session in New Castle, Delaware, where one member of the public appeared and provided comments regarding SUEZ's application.

6. The Parties have reached a settlement in principle for a \$5.24 million increase in base rates, which will be submitted to the Commission shortly. The Parties desire to present the Settlement Agreement at an evidentiary hearing to be conducted before the Commission at its June 3, 2020 meeting, without proceeding first through a Hearing Examiner and waiting for his proposed findings and recommendations.

7. The Parties have submitted a proposed form of Public Notice notifying the public that the evidentiary hearing will be held on June 3, 2020 for the Commission's review and approval.

8. The Parties are confident that the testimony they will present to the Commission on June 3, 2020 will persuade the Commission that the proposed Settlement Agreement is in the public interest and will result in just and reasonable rates. Thus, the Parties request the Commission to revoke its delegation of this docket to the Hearing Examiner, approve the proposed form of Public Notice of a June 3, 2020 evidentiary hearing, and grant approval to

present the proposed Settlement Agreement and testimony in support of the Settlement Agreement at its June 3, 2020 meeting.

Respectfully submitted,

SAUL EWING ARNSTEIN & LEHR  
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Counsel for the Delaware Division of the  
Public Advocate

Dated: April 20, 2020

**BEFORE THE PUBLIC SERVICE COMMISSION  
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**ORDER NO. 9XXX**

**AND NOW**, this 22<sup>nd</sup> day of April 2020, the Delaware Public Service Commission (the “Commission”) hereby determines and Orders as follows:

**WHEREAS**, on September 27, 2019, SUEZ Water Delaware, Inc. (“SUEZ”) filed an application with the Commission seeking an increase of \$7,440,988 in water rates; and

**WHEREAS**, the Delaware Division of the Public Advocate (“DPA”) filed a statutory notice of intervention in this docket on October 14, 2019; and

**WHEREAS**, on October 22, 2019, the Commission entered Order No. 9491, in which it suspended SUEZ’s proposed rates and tariff sheets pending the completion of hearings on the justness and reasonableness of the proposed rates and tariff changes and a final Commission decision thereon. The Commission also delegated responsibility for conducting public comment sessions and evidentiary hearings in this docket to Hearing Examiner Glenn E. Kenton, and tasked him with the responsibility of preparing proposed findings and recommendations for the Commission’s consideration; and

**WHEREAS**, Hearing Examiner Kenton approved a procedural schedule pursuant to which evidentiary hearings were to be held during the week of July 13, 2020; and

**WHEREAS**, on February 12, 2020, Hearing Examiner Kenton conducted a public comment session in New Castle, Delaware, where one member of the public appeared and provided comments regarding SUEZ's application; and

**WHEREAS**, on April 20, 2020, SUEZ, the DPA and the Staff of the Commission (the "Parties") submitted a Joint Motion advising the Commission that they had reached a settlement in principle that would increase SUEZ's base rates by \$5.24 million, and would be presenting a proposed Settlement Agreement shortly; and

**WHEREAS**, the Parties submitted with the Joint Motion a proposed form of Public Notice for a June 3, 2020 evidentiary hearing for the Commission's approval; and

**WHEREAS**, in the Joint Motion the Parties requested the Commission to revoke its delegation of this matter to the Hearing Examiner, to approve their proposed form of Public Notice of an evidentiary hearing on June 3, 2020, and to approve the Parties' presentation of the proposed Settlement Agreement directly to the Commission at its June 3, 2020 meeting; and

**WHEREAS**, the Commission heard the Joint Motion at its regularly-scheduled meeting on April 22, 2020;

**NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NO FEWER THAN  
THREE COMMISSIONERS, IT IS HEREBY ORDERED:**

1. The Motion is **GRANTED**.
2. The Commission revokes its delegation of authority to Hearing Examiner Kenton to conduct the evidentiary hearings in this matter. The Commission will conduct the evidentiary hearing in this matter at its regularly-scheduled meeting on June 3, 2020.

3. SUEZ Water Delaware, Inc. shall publish public notice of the evidentiary hearing in the form attached as **Exhibit “A”** in *The News Journal* on or before May 13, 2020, and shall file the affidavit of publication with the Commission before the June 3, 2020 hearing.

4. The Commission reserves jurisdiction and authority to enter such further Orders as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chairman

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Commissioner

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Commissioner

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Commissioner

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Commissioner

**ATTEST:**

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Secretary

**EXHIBIT “A”**

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**NOTICE OF PUBLIC EVIDENTIARY HEARING**

**TO: ALL WATER CUSTOMERS OF SUEZ WATER DELAWARE INC.:**

The Delaware Public Service Commission (“Commission”) will conduct a public evidentiary hearing concerning the above-captioned case (as further explained below) at the following time and location:

DATE & TIME	LOCATION
Wednesday, June 3, 2020, at 1:00 p.m.	PSC Hearing Room* 861 Silver Lake Boulevard Cannon Building, Suite 100 Dover, DE 19904

\*Please check the Commission’s agenda for its June 3, 2020 meeting for information regarding the hearing location. If restrictions on public gatherings are still in place due to the State of Emergency, the hearing may be accessible only by teleconference and live video streaming. The agenda will be posted on May 27, 2020, on the Commission’s website, here: <https://depssc.delaware.gov/public-meetings/>

On September 27, 2019, SUEZ Water Delaware Inc. (“SWDE” or the “Company”) filed with the Commission an application (“Application”) seeking approval of: (1) an increase in its water service rates; and (2) various changes to its water service tariff as described in the Application. In its Application, SWDE seeks an increase in annual operation revenues of \$7,440,998, or an increase of 28.57% over existing rates.

On February 12, 2020, a Commission hearing examiner conducted a public comment session in New Castle, Delaware for the purpose of taking public comment regarding the Application.

On April 17, 2020, the parties to the proceeding reached a settlement in principle that, among other things, would increase the Company's base rates by \$5.24 million ("Proposed Settlement").

The Commission will make its decision on this matter on the basis of the record evidence taken at the June 3, 2020 evidentiary hearing. The parties intend to present the Proposed Settlement to the Commission at the hearing. The Commission may approve or reject, in whole or in part, the proposed increase and tariff revisions, and may approve a different method for allocating any increase that is permitted.

You may review SWDE's Application and supporting documents by going to DelaFile (<http://delafile.delaware.gov>), the Commission's docketing and file management system, and by searching for Docket No. 19-0615. If you would like to review documents at the Commission's offices, please contact Donna Nickerson at (302) 736-7500 or by sending an email addressed to [donna.nickerson@delaware.gov](mailto:donna.nickerson@delaware.gov). You may also review copies of SWDE's Application and supporting documents at the office of the Division of the Public Advocate located at 820 North French Street, 4th Floor, Wilmington, Delaware 19801 and at 29 South State Street, Dover, Delaware 19901. Please call either (302) 577-5077 (Wilmington) or (302) 241-2555 (Dover) to arrange for a time to review the documents at either of those locations.

If you wish to request copies of documents in this matter, you may submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <http://depsec.delaware.gov>, or by visiting this web address:



<https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 *Del. C. ch.* 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to [psc@delaware.gov](mailto:psc@delaware.gov) with “Docket No. 19-0615” in the subject line.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2020, I caused a copy of the Joint Motion of SUEZ Water Delaware, Inc., the Staff of the Delaware Public Service Commission, and the Delaware Division of the Public Advocate to Revoke Delegation to Hearing Examiner, Approve Form of Public Notice, and Approve Presentation of Settlement Agreement Directly to the Delaware Public Service Commission to be filed with the Public Service Commission using Delafile and to be served on the parties on the service list identified below via electronic mail.

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/s/ William F. O'Brien  
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Deputy Attorney General  
Delaware Department of Justice

Dated: April 20, 2020

Counsel for the Staff of the Delaware Public  
Service Commission